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9 Austreberto Santamaria-Valencia

10 **IN THE UNITED STATES DISTRICT COURT**
11 **FOR THE EASTERN DISTRICT OF CALIFORNIA**

12 UNITED STATES OF AMERICA,
13 Plaintiff,

14 vs.

15 AUSTREBERTO SANTAMARIA-VALENCIA,
16 Defendant.

Case No.: 2:21-CR-0079-TLN

STIPULATION AND ORDER TO EXCLUDE
TIME

Date: July 15, 2021
Time: 9:30 a.m.
Hon. Troy L. Nunley

18 **STIPULATION**

- 19
- 20 1. By previous order, this matter was set for status on July 15, 2021.
- 21 2. By this stipulation, defendant. now moves to continue the status conference until
- 22 September 23, 2021, at 9:30 a.m., and to exclude time between July 15, 2021, and September 23, 2021,
- 23 under Local Code T4.
- 24 3. The parties agree and stipulate, and request that the Court find the following:
- 25 a.) The government has produced the discovery associated with this case including,
- 26 among other things, investigative reports, photographs, and video recordings.
- 27
- 28 b.) Counsel for defendant desires additional time to consult with his client, to review

1 the current charges, to conduct an investigation and research related to the charges, to review
2 discovery for this matter, to discuss potential resolutions with his client, and to prepare pretrial
3 motions.

4 c.) Defense counsel believes that failure to grant the above-requested continuance
5 would deny counsel the reasonable time necessary for effective preparation, taking into account
6 the exercise of due diligence.
7

8 d.) The government does not object to the continuance.

9 e.) Based on the above-stated findings, the ends of justice served by continuing the
10 case as requested outweigh the interest of the public and the defendant in a trial within the
11 original date prescribed by the Speedy Trial Act.
12

13 f.) For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161,
14 et seq., within which trial must commence, the time period of July 15, 2021 to September 23,
15 2021, inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv) [Local Rule
16 T4] because it results from a continuance granted by the Court at defendant's request on the basis
17 of the Court's findings that the ends of justice served by taking such action outweigh the best
18 interest of the public and the defendant in a speedy trial.
19

20 4. Nothing in this stipulation and order shall preclude a finding that other provisions of the
21 Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial
22 must commence.

23 IT IS SO STIPULATED.

24 Date: July 12, 2021

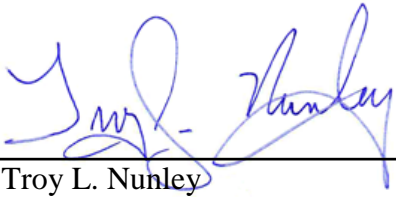
25 /s/ Matthew C. Smith
26 MATTHEW C. SMITH
27 Attorney for Defendant
Austreberto Santamaria-Valencia

28 Date: July 12, 2021

/s/ James R. Conolly
James R. Conolly
Assistant United States Attorney

FINDINGS AND ORDER

IT IS SO FOUND AND ORDERED this 13th day of July, 2021.



Troy L. Nunley
United States District Judge